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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,949	03/23/2004	Eric Edmond Petkus	GCSD-1571 (51393)	2846
74701 7590 10/22/2009 ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST 255 S ORANGE AVENUE SUITE 1401 ORLANDO, FL 32801				
EXAMINER				
OKEKE, EZUNNA				
ART UNIT		PAPER NUMBER		
2432				
NOTIFICATION DATE		DELIVERY MODE		
10/22/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

creganoa@addmg.com

Office Action Summary

Application No.

10/806,949

Applicant(s)

PETKUS ET AL.

Examiner

IZUNNA OKEKE

Art Unit

2432

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 06/28/2009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1, 13, 23 and 27 provisionally rejected on the ground of nonstatutory

obviousness-type double patenting as being unpatentable over claims 1 of copending

Applications No. 10806668 and No. 10806936. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in the instant application and the copending applications recite the same devices which are structurally and functionally alike and not patentably distinct.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Response to Arguments

3. Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-10, 13-16, 18-21, 23-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Hay et al (US-20050036622).

a. Referring to claim 1, 13, 23 and 27:

Regarding claim 1 and similar claims 13, 23 and 27, Hay teaches a cryptographic device comprising: a cryptographic module and a communications module removably coupled thereto (Para 24-25 and 28-31 teaches a component housing the encryption module and another component housing the communication module which are integral parts of the network device of Fig. 8a);

said cryptographic module comprising a first housing (Para 28-31.... Encryption module housed on a first component),

a wired Ethernet user Local Area Network (LAN) interface carried by said first housing (Para 23 and 44 teaches a wired Ethernet rj-45 interface for connecting a wired device through the network device to the encryption module to provide data security),

a cryptographic processor carried by said first housing and coupled to said wired Ethernet user LAN interface (Para 23.. RJ-45 port connected to encryption module), and
a first connector carried by said first housing and coupled to said cryptographic processor;
said communications module comprising a second housing, a second connector carried by said second housing and being removably mateable with said first connector of said cryptographic module (Para 27, 31 and 42... radio transceiver module of the communication component being removable from the encryption module and each having connectors for securely connecting the modules housed within the network device) and
a network communications interface carried by said second housing and coupled to said second connector (Para 24 -25... antenna or mast interface on the communication component).

a. Referring to claims 2, 24 and 28:

Regarding claim 2 and similar claims 24 and 28, Hay teaches the cryptographic device of Claim 1 wherein said communications module comprises a predetermined one from among a plurality of interchangeable communications modules each for communicating over a different communications media (Para 42).

a. Referring to claims 3, 14, 25 and 29:

Regarding claim 3 and similar claim 14, 25 and 29, Hay teaches the cryptographic device of Claim 1 wherein said network communications interface comprises a wireless LAN (WLAN) communication circuit (Para 33-34.... WLAN communication interface circuits).

a. Referring to claim 4, 5, 15 and 16:

Regarding claim 4 and similar claims 5, 15 and 16, Hay teaches the cryptographic device of Claim 1 wherein said network communications interface comprises a wireline communication circuit (Para 23 and 49.... wireline communication interface circuit).

a. Referring to claims 6, 26 and 30:

Regarding claim 6 and similar claims 26 and 30, Hay teaches the cryptographic device of Claim 1 wherein said network communications interface comprises a network LAN interface (Para 44).

a. Referring to claims 7, 18 and 31:

Regarding claim 7 and similar claims 18 and 31, Hay teaches the cryptographic device of Claim 1 further comprising a power circuit carried by said first housing and powering said cryptographic processor, said wired Ethernet user interface, and said communications module (Para 45... power circuit 160).

a. Referring to claims 8, 19 and 32:

Regarding claim 8 and similar claims 19 and 32, Hay teaches the cryptographic device of Claim 1 wherein said cryptographic processor implements an encryption algorithm to provide a predetermined security level (Para 29.... encryption algorithm).

a. Referring to claims 9, 20 and 33:

Regarding claim 9 and similar claims 20 and 33, Hay teaches the cryptographic device of Claim 1 wherein said cryptographic processor comprises: a host network processor coupled to said user network interface; and a cryptography circuit coupled to said host network processor (Para 23 and 49... encryption module coupled to RJ-45 port network router processor).

a. Referring to claims 10, 21 and 34:

Regarding claim 10 and similar claims 21 and 34, Hay teaches the cryptographic device of Claim 9 wherein said cryptographic processor further comprises:
an encrypted data buffer circuit coupled between said wired Ethernet user LAN interface and said cryptography circuit; and an unencrypted data buffer circuit coupled between said cryptography circuit and said network communications interface (Para 28-29... encryption module acting as a barrier protecting the wired network from the wireless one and it is known in the art for such modules to include data buffer or storage for storing received unencrypted data which it encrypts, send to an encrypted buffer before transmission and vice versa).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11, 12, 22 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hay et al (US-20050036622), and further in view of Dellmo et al (US-20020095594).

a. Referring to claim 11:

Regarding claim 1, Hay teaches the cryptographic device of Claim 1. Hay does not teach the encryption module comprising a tamper circuit for disabling said cryptographic processor based upon tampering. However, Dellmo teaches a cryptographic device comprising a tamper circuit for disabling said cryptographic processor based upon tampering (See Dellmo, Para 13). Therefore, it would have been obvious to one of ordinary skill to modify Hay's encryption

module to comprise a tamper circuit for protecting the encryption module and disabling the module to prevent malicious individuals from compromising the module.

a. Referring to claims 12, 22 and 35:

Regarding claim 11 and similar claims 22 and 35, the combination of Hay and Dellmo teaches the cryptographic device of Claim 11 wherein said tamper circuit comprises at least one conductor substantially surrounding said cryptographic processor, and wherein said cryptographic processor is disabled based upon a break in said at least one conductor (See Dellmo, Para 57 and 58..... tamper switch clips).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IZUNNA OKEKE whose telephone number is (571)270-3854. The examiner can normally be reached on 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/I. O/
Examiner, Art Unit 2432

/Jung Kim/
Primary Examiner, AU 2432